

Maine Revised Statutes
Title 12: CONSERVATION
Chapter 617: LICENSE SUSPENSION

§6374. PROCEDURE FOR SUSPENDING WITHOUT CRIMINAL CONVICTION OR CIVIL ADJUDICATION

Except as provided in section 6371, subsections 1 and 2, the procedure for suspending a license or certificate for a violation of marine resources law without a criminal conviction or civil adjudication is governed by this section. [2011, c. 311, §4 (NEW) .]

1. Initiation and notice. If the Chief of the Bureau of Marine Patrol delivers to the commissioner a written statement under oath that the chief has probable cause to suspect that a violation of marine resources law has been committed, the commissioner shall immediately examine the affidavit and determine if a suspension is necessary. If the commissioner determines based on a preponderance of the evidence that a suspension is necessary, the commissioner shall immediately notify in writing the person who violated the law. The notice must state that there is an opportunity for a hearing, if the person requests the hearing in writing within 10 days of the notice.

[2011, c. 311, §4 (NEW) .]

2. Hearing. A hearing requested under subsection 1 must be held within 30 business days after receipt by the commissioner of a request for hearing except that a hearing may be held more than 30 business days after the request if the delay is requested by the person requesting the hearing. The hearing must be held in accordance with the Maine Administrative Procedure Act, except that:

A. Notwithstanding Title 5, section 9057, issues of the hearing are limited to whether the person requesting the hearing had a license and whether that person committed a violation of marine resources law; and [2011, c. 311, §4 (NEW) .]

B. Notwithstanding Title 5, section 9061, the decision of the presiding officer under Title 5, section 9062 must be made not more than 10 business days after completion of the hearing. [2011, c. 311, §4 (NEW) .]

[2011, c. 598, §20 (AMD) .]

3. Finding of marine resources violation and suspension. If the presiding officer of the hearing under subsection 2 finds that a violation of marine resources law has been committed, the presiding officer shall immediately notify the commissioner of the finding, and the commissioner may suspend the license or certificate of the person requesting the hearing. Except as provided in this subsection, the length of the suspension of the license or certificate may not exceed:

A. One year from the date of a first finding of a violation; [2013, c. 468, §10 (AMD) .]

B. Two years from the date of a 2nd finding of a violation; or [2013, c. 468, §10 (AMD) .]

C. Three years from the date of a 3rd or subsequent finding of a violation. [2013, c. 468, §10 (AMD) .]

The commissioner may suspend any license or certificate for a period of time not to exceed the maximum amount of time allowable for a criminal conviction or civil adjudication of the same violation.

[2013, c. 468, §10 (AMD) .]

4. Prohibition against multiple suspensions. If the commissioner suspends a license or certificate under this section, the commissioner may not suspend the license or certificate because of a criminal conviction or civil adjudication for the same violation.

[2011, c. 311, §4 (NEW) .]

5. Appeal. A decision of the commissioner to suspend a license or certificate pursuant to this section may be appealed to the Superior Court if it is filed with the court within 30 days of the decision.

[2011, c. 311, §4 (NEW) .]

6. Request for hearing on suspension length; place of hearing. The license or certificate holder may request a hearing regarding the length of suspension under this section. A hearing must be requested in writing within 10 days from the effective date of the suspension. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to in writing. The hearing must be conducted in the Augusta area.

[2011, c. 311, §4 (NEW) .]

SECTION HISTORY

2011, c. 311, §4 (NEW). 2011, c. 598, §20 (AMD). 2013, c. 468, §10 (AMD) .

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